

EXHIBIT D

Bunzel, Sharon M.

From: Patrick K. McClellan [pkellymc@pacbell.net]
Sent: Friday, May 29, 2009 6:39 AM
To: Bunzel, Sharon M.; LPresiado@rusmiliband.com
Cc: foreman@freelandlaw.com; RCampbell@CoastLawGroup.com; RRus@rusmiliband.com
Subject: RE: eBay v. DPS, et al.

Sharon:

Kesslers will not agree....for the reasons set forth in Mr. Preciado's e-mail.

Patrick McClellan

From: Bunzel, Sharon M. [mailto:sbunzel@omm.com]
Sent: Thursday, May 28, 2009 11:20 PM
To: LPresiado@rusmiliband.com
Cc: foreman@freelandlaw.com; pkellymc@pacbell.net; RCampbell@CoastLawGroup.com; RRus@rusmiliband.com
Subject: Re: eBay v. DPS, et al.

Counsel -

For those of you who have not responded, please let me know your position by noon on Friday 5/29 so that we can file an appropriate motion with the court.

Thank you.

Sharon

From: Leo J. Presiado <LPresiado@rusmiliband.com>
To: Bunzel, Sharon M.
Cc: Stewart Foreman <foreman@freelandlaw.com>; Patrick K. McClellan <pkellymc@pacbell.net>; Ross Campbell <RCampbell@CoastLawGroup.com>; Ron Rus <RRus@rusmiliband.com>
Sent: Thu May 28 15:46:28 2009
Subject: RE: eBay v. DPS, et al.

Sharon,

My clients will not agree to an increase in page limits. I do not think a consolidated opposition is appropriate considering the various positions, arguments and authorities cited by the separate defendant groups. If your position is that the arguments are the same and a consolidated opposition is appropriate then there should be no need for an increase of the page limit. In addition, my clients were able to stay within the page limits in connection with their Motion. Increasing your client's page limits is not equitable and would put my clients at a disadvantage considering the short time period within which my clients are required to file their reply brief.

Best regards,

Leo J. Presiado, Esq.
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5/29/2009

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Thank you.

From: Bunzel, Sharon M. [mailto:sbunzel@omm.com]
Sent: Wednesday, May 27, 2009 9:48 PM
To: foreman@freelandlaw.com; pkellymc@pacbell.net; RCampbell@CoastLawGroup.com; bernhard@freelandlaw.com; seyamack@coastlawgroup.com; Leo J. Presiado
Cc: Eberhart, David; Kennedy, Colleen
Subject: eBay v. DPS, et al.

Counsel:

Attached is a proposed stipulation to extend the page limit for a consolidated opposition to the pending Motions to Dismiss and Motion to Transfer. Please let us know as soon as possible whether you will agree to the stipulation and whether we have your permission to sign the stipulation on your behalf. Given the significant commonality of issues raised by the various briefs, we trust you will agree that this request is reasonable and thereby obviate the need for a motion on this administrative issue.

Thank you in advance for your cooperation in this matter.

Sharon

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5/29/2009